

From: [Theresa Kleinhaus](#)
To: [Russart, Michael P.](#)
Cc: [Douglas Knott](#); [Scott Rauscher](#); [Aisha Davis](#); [Kugler, Mollie T.](#); [Cory Brewer](#)
Subject: RE: Terry v. County of Milwaukee; Deposition Notice Attached
Date: Wednesday, March 07, 2018 1:15:49 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

***** External email: use caution *****

We oppose a stay of discovery and intend to move forward with depositions.

On Mar 7, 2018 12:57 PM, "Russart, Michael P." <mrussart@hinshawlaw.com> wrote:

Tess, please confirm that your position is that in order for my client's interests to be protected, my client is required to file a motion for protective order because plaintiff will not voluntarily stay discovery pending the outcome of Armor's motion for stay. I'd rather not waste resources on yet another motion, but I want it to be clear that plaintiff is not willing to cooperate. Based upon the urgency of this issue, please respond by 10:00 am CT tomorrow. If no response is received by that time, we will proceed with the motion.

Michael P. Russart
Hinshaw & Culbertson LLP
[100 East Wisconsin Avenue, Suite 2600, Milwaukee, WI, 53202](#)
Tel: [414-225-4803](tel:414-225-4803) | Fax: [414-276-9220](tel:414-276-9220)
mrussart@hinshawlaw.com | hinshawlaw.com



From: Theresa Kleinhaus [<mailto:tess@loevy.com>]
Sent: Wednesday, March 07, 2018 12:26 PM
To: Russart, Michael P.
Cc: Douglas Knott; Scott Rauscher; Aisha Davis; Kugler, Mollie T.; Cory Brewer
Subject: Re: Terry v. County of Milwaukee; Deposition Notice Attached

***** External email: use caution *****

Mike,

We're not willing to agree to the terms you suggest. We intend to go forward with Defendant Wenzel's deposition on the 13th. We will have to move the Hoover and Exum depositions to the following week because of their unavailability next week.

Tess

Exhibit B

On Tue, Mar 6, 2018 at 2:48 PM, Russart, Michael P.
<mrussart@hinshawlaw.com> wrote:

Based upon your previous communications indicating an unwillingness to bifurcate the Monell claims, I have a considerable concern. I may be willing to be flexible if you can assure me there will be no questions in anyway related to the validity of medical records, or whether rounds were done or care given as recorded or as provided by policy. My list could go on and on and still not be all inclusive of what questions might be devised to elicit incriminating evidence against Armor.

I am willing to discuss some compromise if one can be reached to protect my client and not waive our position relative to the motion for stay.

Michael P. Russart
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100 East Wisconsin Avenue, Suite 2600, Milwaukee, WI, 53202
Tel: 414-225-4803 | Fax: 414-276-9220
mrussart@hinshawlaw.com | hinshawlaw.com



From: Theresa Kleinhaus [<mailto:tess@loevy.com>]
Sent: Tuesday, March 06, 2018 2:21 PM
To: Russart, Michael P.
Cc: Douglas Knott; Scott Rauscher; Aisha Davis; Kugler, Mollie T.; Cory Brewer

Subject: Re: Terry v. County of Milwaukee; Deposition Notice Attached

***** External email: use caution *****

Mike,

Do you likewise object to Plaintiff taking the depositions of Wenzel, Exum, and Hoover which are currently scheduled for next week?

Thanks,

Exhibit B

Tess

On Tue, Mar 6, 2018 at 2:15 PM, Russart, Michael P.
<mrussart@hinshawlaw.com> wrote:

Tess,

As you know we filed a motion for a stay yesterday. Several of the individuals you've identified were either Armor employees or working under their direction. For the reasons set forth in the motion to stay, I object to any discovery going forward until the motion for a stay is decided. Please let me know whether you will agree to such a stay or if you require that my client file an emergency motion.

Mike

Michael P. Russart
Hinshaw & Culbertson LLP
100 East Wisconsin Avenue, Suite 2600, Milwaukee, WI, 53202
Tel: 414-225-4803 | Fax: 414-276-9220
mrussart@hinshawlaw.com | hinshawlaw.com



From: Theresa Kleinhaus [<mailto:tess@loevy.com>]
Sent: Tuesday, March 06, 2018 2:03 PM
To: Douglas Knott
Cc: Russart, Michael P.; Scott Rauscher; Aisha Davis; Kugler, Mollie T.; Cory Brewer
Subject: Re: Terry v. County of Milwaukee; Deposition Notice Attached

*** External email: use caution ***

Doug,

We would like to take the depositions of witnesses Burton, Bueno, Gable, Prince, Strehlow, Perry, Andrezewski, Montano, Elliot, and Avery during the weeks of April 2nd and 9th. Most of these witnesses will not require full day depositions so we will likely be able to fit two in a business day. Please let me know what dates you and the deponents are available so we may begin scheduling.

Exhibit B

Thanks,

Tess

On Thu, Mar 1, 2018 at 4:17 PM, Theresa Kleinhaus <tess@loevy.com> wrote:

Doug,

Please find an amended notice of depositions scheduled during the week of March 12. As I said in my initial email, if any of these dates don't work for you or your clients, please let me know.

Tess

On Tue, Feb 27, 2018 at 3:08 PM, Theresa Kleinhaus <tess@loevy.com> wrote:

The week of March 12 will likely work. I can confirm tomorrow.

On Feb 27, 2018 3:57 PM, "Douglas Knott" <dknott@lkglaw.net> wrote:

Counsel – I'm writing to follow up on my discussion with Attorney Davis of yesterday in which I agreed to her request for extension of time to respond to our discovery requests. I am glad we were able to find a basis for cooperation in that regard.

During the discussion, I informed Ms. Davis that the dates unilaterally chosen by plaintiffs' counsel for depositions of my clients were in conflict with other events on my calendar and that I would attempt to schedule them the week of 3/12. This will confirm, therefore, that the depositions of Wenzel, Hoover, Exum and Bevenue will not take place as currently noticed.

As you know, Ms. Bevenue has been uncooperative with the defense. You will be seeing a motion in regard to her shortly.

Exhibit B

Thank you,

Doug

Douglas S. Knott

Leib Knott Gaynor LLC

219 N. Milwaukee Street, Suite 710

Milwaukee, WI 53202

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From: Theresa Kleinhaus [mailto:tess@loevy.com]

Sent: February 21, 2018 5:57 PM

To: Douglas Knott <dknott@lkglaw.net>

Cc: Russart, Michael P <mrussart@hinshawlaw.com>; Scott Rauscher <scott@loevy.com>; Aisha Davis <aisha@loevy.com>; Kugler, Mollie T. <MKugler@hinshawlaw.com>; Cory Brewer <cbrewer@lkglaw.net>

Subject: Re: Terry v. County of Milwaukee; Deposition Notice Attached

Exhibit B

Doug,

Please find a notice of depositions attached for Defendants Wenzel, Hoover, and Exum. Please let us know if the dates don't work for you or your clients.

Thanks,

Tess

On Mon, Feb 19, 2018 at 4:06 PM, Theresa Kleinhaus <tess@loevy.com> wrote:

Doug,

Please find attached a deposition notice for Defendant Bevenue for March 1. If that date doesn't work, just let me know some good alternative dates for you and your client in the first two weeks of March and we'll reschedule. We put your office as the location because we understood that was your preference, but let us know if you want to move it to Gramman Reporting.

Thanks,

Tess

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